

Message Text

CONFIDENTIAL

PAGE 01 WELLIN 02999 01 OF 02 100550Z

11
ACTION L-01

INFO OCT-01 SS-14 ISO-00 EA-06 NSC-05 NSCE-00 PM-03 SP-02

INR-05 CIAE-00 ACDA-10 OES-02 PRS-01 USIE-00 EUR-08

SSO-00 INRE-00 /058 W
----- 066691

O R 100420Z AUG 76
FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC IMMEDIATE 1830
INFO AMEMBASSY CANBERRA
AMEMBASSY OTTAWA
SECDEF WASHDC
CNO WASHDC
CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 WELLINGTON 2999

LIMDIS

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS
TAGS: ANZUS, PFOR, MARR, MNUC, NZ, CA
SUBJECT: ASSURANCES ON LIABILITY FOR NUCLEAR INCIDENTS

REF: (A) WELLINGTON 2871, (B) STATE 190428, (C) WELLINGTON 2997

1. SUMMARY: IN A MEETING TODAY WITH DEPUTY PRIME
MINISTER TALBOYS, WHICH I REQUESTED TO DISCUSS THE
ASSURANCES GIVEN THE CANADIAN GOVERNMENT WITH RESPECT TO
INCIDENTS ARISING FROM NUCLEAR WEAPONS ABOARD THE U.S.
WARSHIPS IN CANADIAN PORT, (A) I CAREFULLY REVIEWED
THE TALKING POINTS FROM STATE REFTEL; (B) MINISTER
TALBOYS MADE AVAILABLE THE TEXTS OF A LETTER AND
CANADIAN GOVERNMENT ANALYSIS OF THE U.S. ASSURANCES TO
CANADA (REPORTED SEPTTEL); (C) I WAS INFORMED THAT THE
GONZ WILL ASK THE USG FOR ASSURANCES SIMILAR TO THOSE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 WELLIN 02999 01 OF 02 100550Z

PROVIDED THE CANADIAN GOVERNMENT ; (D) I SUCCEEDED IN

PERSUADING MR. TALBOYS THAT WHATEVER ASSURANCES ARE AGREED UPON WILL BE MADE PUBLIC IN ONLY THE MOST GENERAL TERMS. ACTION REQUESTED: (A) DEPARTMENT PROVIDE ME URGENTLY THE EXPLICIT TEXT AND MODE OF TRANSMITTAL FOR THE ASSURANCES WE CAN PROVIDE THE GONZ IN REPLY TO MR. TALBOYS LETTER TO ME OF AUGUST 10; AND (B) APPROVAL OF THE PRESS GUIDANCE WHICH MINISTER TALBOYS AND I INFORMALLY DISCUSSED. END SUMMARY.

2. LATE ON AUGUST 9 I WAS INFORMED THAT DAVID ATKINS, MFA, DEFENCE DIVISION HEAD, HAD REQUESTED AN APPOINTMENT FOR TUESDAY MORNING TO DELIVER TO ME A LETTER FROM DEPUTY PRIME MINISTER AND FOREIGN MINISTER TALBOYS. I UNDERSTOOD THAT THE LETTER WOULD FORMALLY REQUEST OF THE USG ASSURANCES SIMILAR TO THOSE EXTENDED THE CANADIANS VIA THE AIDE MEMOIRE OF MAY 6, 1968, AND I FURTHER UNDERSTOOD THAT THE GONZ FELT PRESSED BY THE MEDIA NOT ONLY TO OBTAIN SUCH ASSURANCES BUT ALSO TO MAKE THEM PUBLIC. BECAUSE OF MY CONCERN THAT ANYTHING LESS THAN THE MOST SENSITIVE HANDLING OF THIS ISSUE COULD JEOPARDIZE THE TRUXTON AND SUBSEQUENT NPW VISITS, I IMMEDIATELY REQUESTED AN APPOINTMENT WITH MINISTER TALBOYS TO DISCUSS THE CANADIAN ASSURANCES WITH HIM IN AN INFORMAL WAY BEFORE ANYTHING WAS COMMITTED TO WRITING. HE AGREED.

3. THIS MORNING I CALLED ON MINISTER TALBOYS IN HIS OFFICE WITH DCM KILLGORE. I CAREFULLY DREW HIS ATTENTION TO THE TALKING POINTS OUTLINED IN STATE'S 190428, EMPHASIZING THAT THE USG CONSIDERS THE AID MEMOIRE TO BE A UNILATERAL ASSURANCE AND ONE WHICH DOES NOT IN ANY WAY AMEND THE "STANDARD STATEMENT". I FURTHER STATED THAT THE USG WOULD NOT BE ABLE TO CONFIRM PUBLICLY THE EXISTENCE OF EITHER THE CANADIAN ASSURANCE OR ANY SIMILAR ASSURANCE GIVEN THE GONZ.

4. MINISTER TALBOYS PROVIDED ME WITH COPIES OF BOTH THE CANADIAN HIGH COMMISSION LETTER TO WARREN PAGE OF THE "STAR" PUBLICATIONS AND A CANADIAN ANALYSIS OF U.S. ASSURANCES TO CANADA CONCERNING NUCLEAR WARSHIPS AND CONFIDENTIAL

CONFIDENTIAL

PAGE 03 WELLIN 02999 01 OF 02 100550Z

NUCLEAR WEAPONS COMPILED BY THE CANADIAN DEPARTMENT OF EXTERNAL AFFAIRS. HE ALSO HANDED ME, FOR MY INFORMATION, THE LETTER THE MFA HAD PLANNED TO DELIVER TO ME AND WHICH, INTER ALIA, INDICATED THE GONZ'S DESIRE TO MAKE PUBLIC ANY ASSURANCE EXTENDED THEM PATTERNED AFTER THE MAY 6, 1968 AIDE MEMOIRE TO THE CANADIANS.

5. I AM NOW SATISFIED AFTER DISCUSSING THIS WITH TALBOYS

THAT THE GONZ WILL AGREE TO HOLD CONFIDENTIAL THE SPECIFIC ASSURANCES OF THE USG CONCERNING NUCLEAR WEAPONS LIABILITY. IT IS IMPORTANT, HOWEVER, THAT WE PROVIDE THE GONZ WITH A STATEMENT OF SUCH ASSURANCES ASAP, THE EXACT TEXT OF WHICH WE REQUEST. TALBOYS HAS ASSURED ME THAT, IN THE MEANTIME, HE WILL HOLD THE PRESS AT BAY WITH THE EXPLANATION THAT THE ISSUE OF LIABILITY FOR NUCLEAR INCIDENTS IS BEING DISCUSSED WITH THE USG. UPON RECEIPT OF USG ASSURANCES, THE GONZ WILL MAKE EVERY EFFORT TO TAILOR ITS REMARKS AS CLOSELY AS POSSIBLE TO THE FOLLOWING: "THE GONZ IS SATISFIED WITH THE ASSURANCES GIVEN BY THE USG WHICH ARE THE SAME ASSURANCES REGARDING VISITING NUCLEAR-POWERED WARSHIPS AS IT HAS GIVEN TO THE GOVERNMENT OF CANADA AND OTHER ALLIES."

6. TEXT OF LETTER OF AUGUST 10 FROM MINISTER TALBOYS TO ME. QUOTE MY DEAR AMBASSADOR, IT HAS COME TO MY ATTENTION, AS A RESULT OF ARTICLES IN THE NEW ZEALAND PRESS, THAT, AT THE INVITATION OF THE CANADIAN GOVERNMENT, THE "STATEMENT OF THE UNITED STATES GOVERNMENT ON THE OPERATION OF UNITED STATES NUCLEAR POWERED WARSHIPS IN FOREIGN PORTS" HAS BEEN AMENDED, IN THE CASE OF CANADA, SO AS TO COVER INCIDENTS INVOLVING NUCLEAR WARHEADS CARRIED BY VISITING UNITED STATES WARSHIPS, WHETHER NUCLEAR-POWERED OR NOT.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 WELLIN 02999 02 OF 02 100553Z

11

ACTION L-01

INFO OCT-01 SS-14 ISO-00 EA-06 NSC-05 NSCE-00 PM-03 SP-02

INR-05 CIAE-00 ACDA-10 OES-02 PRS-01 USIE-00 EUR-08

SSO-00 INRE-00 /058 W

----- 066753

O R 100420Z AUG 76

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC IMMEDIATE 1831

INFO AMEMBASY CANBERRA

AMEMBASSY OTTAWA

SECDEF WASHDC

CNO WASHDC

CINCPAC

C O N F I D E N T I A L SECTION 2 OF 2 WELLINGTON 2999

LIMDIS

CINCPAC ALSO FOR POLAD

THE NEW ZEALAND GOVERNMENT IS AWARE THAT IT IS THE
POLICY OF THE UNITED STATE GOVERNMENT NEITHER TO
CONFIRM NOR TO DENY THE PRESENCE OR ABSENCE OF
NUCLEAR WEAPONS ON ANY OF ITS WARSHIPS, AIRCRAFT OR
MILITARY INSTALLATIONS. IT IS ALSO
UNDERSTOOD THAT ANY NUCLEAR WEAPONS THAT MIGHT BE
CARRIED ON A VISITING SHIP WOULD BE IN AN
UNARMED STATE.

THE NEW ZEALAND GOVERNMENT WOULD, NEVERTHELESS,
BE GRATEFUL TO RECIEVE FROM THE UNITED STATES GOVERNMENT
AN ASSURANCE THAT IT WOULD ACCEPT LIABILITY FOR ANY
DAMAGE OR LOSS CAUSED BY AN ACCIDENT INVOLVING ANY
NUCLEAR WEAPON THAT MIGHT BE CARRIED ON A UNITED STATES
NAVAL VESSEL VISITING NEW ZEALAND.

IF THE UNITED STATES GOVERNMENT IS ABLE TO GIVE SUCH
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 WELLIN 02999 02 OF 02 100553Z

AN ASSURANCE, I APPRECIATE THAT THE NEW ZEALAND GOVERNMENT
SHOULD NOT MAKE THE FACT PUBLIC EXCEPT IN THE MOST
GENERAL TERMS. I WOULD BE HAPPY TO AGREE WITH YOU ON
THE EXACT TERMS WHICH SHOULD BE USED IN THIS RESPECT.
UNQUOTE.

7. ACTION REQUESTED: PLEASE PROVIDE ME AS SOON AS
POSSIBLE: (A) THE EXACT TEXT AND SUGGESTED MODE OF
TRANSMITTAL OF SUCH ASSURANCES AS WE MAY EXTEND THE
GONZ CONCERNING LIABILITY ARISING FROM NUCLEAR WEAPONS;
AND (B) DEPARTMENT'S APPROVAL OF THE COURSE OF ACTION
OUTLINED PARA FIVE RELATING TO PRESS GUIDANCE.
SELDEN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC DISCUSSIONS, NUCLEAR POWERED SHIPS, NUCLEAR WEAPONS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 AUG 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976WELLIN02999
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760307-0059
From: WELLINGTON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760866/aaaacgcw.tel
Line Count: 213
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 76 WELLINGTON 2871, 76 STATE 190428, 76 WELLINGTON 2997
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 04 NOV 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 NOV 2003 by GarlanWA>; APPROVED <19 AUG 2004 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ASSURANCES ON LIABILITY FOR NUCLEAR INCIDENTS
TAGS: PFOR, MARR, MNUC, NZ, CA, US, ANZUS, (TALBOYS, BRIAN E)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006